

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

CIVIL MINUTES - FINAL PRETRIAL CONFERENCE

Phoenix Division

MDL 15-2641-PHX-DGC

DATE: 3/2/2018

Year Case No Initials

Title: IN RE: Bard IVC Filters Products Liability Litigation

HON: DAVID G. CAMPBELL

Traci C. Abraham

Deputy Clerk

Patricia Lyons

Court Reporter

APPEARANCES:

Ramon Lopez, Mark O'Connor, Julia Reed Zaic, Lincoln Combs, David Wenner, Laura Smith(telephonic)

Attorney(s) for Plaintiff(s)

Richard North, James Condo, Matthew Lerner, Elizabeth Helm, Bradee Kowalzyk, Taylor Daly, Amanda Sheridan

Attorney(s) for Defendant(s)

PROCEEDINGS:   X   Open Court        Chambers        Other

Final pretrial conference held.

Order document 10240 jurors dismissed for hardship addressed. Parties have no objections to the dismissals. Juror 191 dismissed for hardship.

Court will seat 9 jurors. Court will call in 60 jurors to participate in voir dire. Parties to submit a joint witness list to be given to jury panel before voir dire begins. Plaintiff request to submit additional voir dire questions in regards to the FDA. Discussion held. Parties to confer and submit a proposal to the Court as outlined on the record. Proposed voir dire and preliminary jury instructions given to counsel and discussed. Stipulations included in the proposed final pretrial order shall be read to the jury before opening statements.

Impeachment exhibits - Parties agree to a 24 notice. Parties stipulate to summary background to be read to jury before witness testifies.

Trial hours discussed. Court will move all calendar matters on 3/26/18 and hold trial on this date.

Court adopts the final pretrial order submitted at document 10255.

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Juror questionnaires challenges for cause: Defendant - 31 granted, 78 granted, 84 denied, 94 granted, 106 granted, 113 granted, 125 denied, 194 granted. Plaintiff - 135 denied, 136 granted, 150 denied.

Jurors 31, 78, 94, 106, 113, 136, 194 will be excused along with the jurors previously excused for hardship. Court will call in the 60 lowest number jurors remaining in for voir dire on 3/14/2018.

Rule invoked with the exception of experts as agreed on the record. Court will have a draft of the final jury instructions and the ruling on summary judgment in the Jones case next week. Parties have no objections to the proposed voir dire and preliminary jury instructions given in the morning. Court will allow power point presentations in opening statements with a 48 hour exchange by counsel. Counsel to be present at 8:30 a.m. on 3/14/2018.

Defendant witnesses Natalie Wong and Abtihal Raj-Kubba Lutonix will appear by deposition in lieu of live testimony due to unavailability. Plaintiff has no objection.

Original exhibits and binders for trial discussed. Parties shall bring only the boxes of exhibits and binders to be used each day with witnesses. Parties shall coordinate with the courtroom deputy.

Court will enter an order.